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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,315	06/26/2003	Hong Wang	42P13148	8011

8791 7590 09/11/2007
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
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EXAMINER	
TREAT, WILLIAM M	

ART UNIT	PAPER NUMBER
2181	

MAIL DATE	DELIVERY MODE
09/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10608315	6/26/03	WANG ET AL.	42P13148

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EXAMINER

William M.. Treat

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20070824

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Commissioner for Patents

The timely submission under 37 CFR 1.129(a) filed on 6/25/2007 is not fully responsive to the prior Office action because applicants have taken disjointed pieces of their specification and parts of unrelated sentences to argue that claims 3-6, 19, and 27 are not new matter. The theme of applicants arguments seems to be that since it is prior art that source code can be compiled into macroinstructions and since it is prior art that source code consisting of macroinstructions can be compiled into microinstructions, it is blatantly obvious to one of ordinary skill in the art that something like compiler generated source code consisting of macroinstructions could be recompiled into macroinstructions and microinstructions representative of the macroinstruction source code. If applicants wish to make clear that this is what they are arguing, the examiner would accept such an argument for the claims and objection to the drawings. This would of course mean that dependent claims 3-6, 19, and 27 offer no patentable distinction over the prior art. Applicants should also consider explaining how their new claims 30 and 31 escape the new matter rejection. Also, if they offer some form of obviousness argument for claims 30 and 31, as outlined by the examiner above, they should reconsider how they argue the new claims distinguish over Siegel.. The examiner awaits a clarification of exactly what the applicants are arguing. Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

WILLIAM M. TREAT

PRIMARY EXAMINER